

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 414

Introduced by Senator Alquist

February 17, 2005

An act to amend ~~Section 48663~~ of Sections 44579.5, 44579.6, 99230, 99231, 99232, 99233, 99234, 99234.5, 99235, 99237, 99239, 99240, and 99242 of, and to repeal Section 99241 of, the Education Code, relating to ~~community day schools instructional programs~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 414, as amended, Alquist. ~~Community day schools: minimum schoolday~~. *Instructional programs: Science, Mathematics, and Reading Teacher (SMART) Development Program.*

~~Existing law authorizes the governing board of a school district to establish one or more community day schools and requires that the minimum schoolday for pupils enrolled in community day schools is 360 minutes of classroom instruction provided by a certificated employee of the school district~~ *establishes the Mathematics and Reading Professional Development Program, which is administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under this program, a local education agency, as defined, receives incentive funding to provide training in mathematics and reading to teachers and to provide training to instructional aides and paraprofessionals, as defined, who directly assist with classroom instruction in mathematics and reading. Under the program, participating school districts and county offices of education may claim staff development funding. Under existing law, the program becomes inoperative on July 1, 2006, and is repealed on January 1, 2007, and the authority for staff development funding*

becomes inoperative on July 1, 2005, and is repealed on January 1, 2006.

This bill would ~~provide that, for purposes of providing professional development, there may be one minimum schoolday of 240 minutes of classroom instruction for each 60 days of instruction that the community day school operates during the school year~~ establish the Science, Mathematics, and Reading Teacher Development Program (SMART) by recasting and revising numerous provisions relating to the Mathematics and Reading Professional Development Program. The bill would generally add science instruction to the subject matter of the existing program. The bill would also extend the operation of the program, as well as the authority for staff development funding, until July 1, 2012, when the program would become inoperative. The bill would provide for the repeal of these provisions on January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 48663 of the Education Code is~~
2 ~~amended to read:~~
3 *SECTION 1. Section 44579.5 of the Education Code is*
4 *amended to read:*
5 *44579.5. Notwithstanding any other provision of law, a*
6 *school district or county office of education that participates in*
7 *the Science, Mathematics, and Reading Professional Teacher*
8 *Development Program (SMART) pursuant to Article 3*
9 *(commencing with Section 99230) of Chapter 5 of Part 65 may*
10 *claim funding, as described in subdivision (c) of Section*
11 *44579.1, for the 40 hours of training based on instructional*
12 *materials adopted by the state board or standards-aligned*
13 *instructional materials or 80 hours of followup instruction,*
14 *coaching, or additional schoolsite assistance required pursuant to*
15 *subdivision (b) of Section 99237 if the training meets the*
16 *requirements described in subdivision (d) of Section 44579.1 and*
17 *is conducted outside of an instructional day that the school*
18 *district or county office of education is required to provide in*
19 *order to qualify for funding pursuant to Part 26 (commencing*
20 *with Section 46000). Funding claimed pursuant to this section*

1 shall be in addition to funding received pursuant to Article 3
2 (commencing with Section 99230) of Chapter 5 of Part 65.

3 *SEC. 2. Section 44579.6 of the Education Code is amended to*
4 *read:*

5 44579.6. This article shall become inoperative on July 1,
6 ~~2005~~ 2012, and, as of January 1, ~~2006~~ 2013, is repealed, unless a
7 later enacted statute that is enacted before January 1, ~~2006~~ 2013,
8 deletes or extends the dates on which it becomes inoperative and
9 is repealed.

10 *SEC. 3. Section 99230 of the Education Code is amended to*
11 *read:*

12 99230. This article shall be known and may be cited as the
13 *Science, Mathematics and Reading—Professional Teacher*
14 *Development Program (SMART).*

15 *SEC. 4. Section 99231 of the Education Code is amended to*
16 *read:*

17 99231. For the ~~purpose~~ *purposes* of this article, the following
18 terms have the following meanings:

19 (a) “Instructional aide” means a person who is employed on
20 either a full-time or a part-time basis for the purpose of directly
21 assisting with classroom instruction in mathematics ~~and~~, reading,
22 *or science* in a California public school in which kindergarten or
23 any of grades 1 to 12, inclusive, are taught and who does not
24 possess a valid teaching credential, certificate, authorization, or
25 permit issued by the Commission on Teacher Credentialing and
26 does not include a paraprofessional, as defined in subdivision (b).

27 (b) “Paraprofessional” means a teacher aide, a teacher
28 assistant, or a speech language pathology assistant who is
29 employed on either a full-time or a part-time basis for the
30 purpose of directly assisting with classroom instruction in
31 mathematics ~~and~~, reading, *or science* in a California public
32 school in which kindergarten or any of grades 1 to 12, inclusive,
33 are taught and who does not possess a valid teaching credential,
34 certificate, authorization, or permit issued by the Commission on
35 Teacher Credentialing.

36 (c) “Instructional materials that are aligned to state standards”
37 means, for grades 1 to 8, inclusive, materials adopted by the State
38 Board of Education after January 1, 2001, unless otherwise
39 authorized by the State Board of Education. For grades 9 to 12,
40 inclusive, “instructional materials that are aligned to state

standards” means materials that the governing board of the local education agency has, after careful review, certified are aligned to ~~both~~ the state reading ~~or~~, mathematics, *or science* content standards and the curriculum frameworks for these subjects.

(d) “Local education agency” means a school district, county office of education, or charter school.

(e) “Teacher” means a person who holds a valid teaching credential, certificate, authorization, or permit issued by the California Commission on Teacher Credentialing and is employed on either a full-time or a part-time basis in a California public school in which kindergarten or any of grades 1 to 12, inclusive, are taught.

SEC. 5. Section 99232 of the Education Code is amended to read:

99232. (a) The *Science, Mathematics, and Reading Professional Teacher Development Program (SMART)* is hereby established, and shall be administered by the Superintendent of Public Instruction with the approval of the State Board of Education.

(b) A local education agency that maintains kindergarten or any of grades 1 to 12, inclusive, is eligible to apply for and receive incentive funding from funds appropriated for the purpose of this article.

(c) From funds appropriated for the purpose of this article, the Superintendent of Public Instruction shall award funding to provide teachers and instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics ~~and~~, reading, *or science* with instruction and training in the areas of mathematics ~~and~~, reading, *or science*.

(d) *Professional development activities in science under this section shall commence after the State Board of Education adopts science instructional materials in 2006.*

SEC. 6. Section 99233 of the Education Code is amended to read:

99233. (a) This program is intended to serve the following categories of staff:

(1) Teachers employed in a public school for the purpose of teaching in a self-contained classroom that serves pupils in kindergarten or any of grades 1 to 8, inclusive. Teachers

described in this paragraph are eligible to receive instruction in both mathematics~~and~~, reading, *and science*.

(2) Teachers employed in a public school for the purpose of providing both mathematics~~and English~~, *reading, or science* instruction to pupils with~~exceptional needs~~ *disabilities*. Teachers described in this paragraph are eligible to receive instruction in both mathematics~~and~~, reading, *and science*.

(3) Teachers who hold a single-subject teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing that authorizes them to teach English or social science in a classroom that is not self-contained and who are employed in a public school. Teachers described in this paragraph are eligible to receive instruction in reading.

(4) Holders of one-year emergency teaching permits and emergency career substitute teaching permits who are employed in a public school and assigned to teach English or social science courses in a classroom that is not self-contained. Teachers described in this paragraph are eligible to receive instruction in reading.

(5) Teachers who hold a single-subject teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing that authorizes them to teach mathematics or science in a classroom that is not self-contained and who are employed in a public school. Teachers described in this paragraph are eligible to receive instruction in *both* mathematics *and science*.

(6) Holders of one-year emergency teaching permits and emergency career substitute teaching permits who are employed in a public school and assigned to teach mathematics or science courses in a classroom that is not self-contained. Teachers described in this paragraph are eligible to receive instruction in *both* mathematics *and science*.

(7) Instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics~~and~~, reading, *or science* who are employed in a public school for the purpose of assisting teachers in the instruction of pupils in kindergarten or any of grades 1 to 12, inclusive. Instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics~~and~~, reading, *or science* described in this

1 paragraph are eligible to receive instruction in ~~both~~ mathematics
2 ~~and~~, reading, *or science*.

3 (b) Holders of emergency 30-day substitute teaching permits
4 issued by the California Commission on Teacher Credentialing
5 are not eligible to receive training offered pursuant to this article.

6 *SEC. 7. Section 99234 of the Education Code is amended to*
7 *read:*

8 99234. (a) (1) The Superintendent of Public Instruction shall
9 notify local educational agencies that they are eligible to receive
10 an incentive award based on the percentage of eligible teachers
11 calculated in accordance with provisions of an item of
12 appropriation in the annual Budget Act. It is the intent of the
13 Legislature that a local educational agency give highest priority
14 to training teachers assigned to high-priority schools *and*
15 *teachers assigned to schools that are under state sanctions.*†

16 (2) It is also the intent of the Legislature that funding
17 appropriated in one fiscal year that is not expended by a local
18 educational agency be redirected to local educational agencies
19 that have trained more eligible teachers than the percentage
20 funded. If a redirection of funding occurs, funding in subsequent
21 fiscal years for the local educational agencies involved shall be
22 adjusted to reflect the redirection of funding.

23 (b) A school district that cannot make the certification
24 required pursuant to paragraph (3) of subdivision (a) of Section
25 99237 for all the grade levels it maintains in reading ~~and~~,
26 mathematics, *or science* may apply for and receive incentive
27 funding for the grade levels and subjects for which it can make
28 the certification required pursuant to paragraph (3) of subdivision
29 (a) of Section 99237, in which case the certified assurance
30 submitted pursuant to Section 99237 applies only to the
31 professional development provided to teachers and instructional
32 aides and paraprofessionals who directly assist with classroom
33 instruction in mathematics ~~and~~, reading, *or science* in the grade
34 levels and subjects for which it can make the certification
35 required pursuant to paragraph (3) of subdivision (a) of Section
36 99237.

37 (c) Of the incentive provided pursuant to subdivision (a), a
38 local educational agency may use not more than one thousand
39 dollars (\$1,000) of the per teacher per subject amount to provide
40 an individual teacher stipend.

(d) The Superintendent of Public Instruction shall notify local educational agencies that the maximum funding for the purpose of this article for which they are eligible each year is equal to the percentage calculated in accordance with provisions of an item of appropriation in the annual Budget Act, multiplied by the sum of the following two factors multiplied by two thousand five hundred dollars (\$2,500):

(1) Twice the number of multiple subjects teachers teaching in a self-contained classroom and special education teachers, as specified in paragraphs (1) and (2) of Section 99233, that provide direct instruction in reading—and, mathematics, or science as reported in the most recent available CBEDS data, who have not received training pursuant to either this article or Article 2 (commencing with Section 99220).

(2) The number of mathematics, English, science, and social science teachers as specified in paragraphs (3) to (6), inclusive, of Section 99233 that were reported in the most recent available CBEDS data, who have not received training pursuant to either this article or Article 2 (commencing with Section 99220).

(e) The Superintendent of Public Instruction shall allocate funding appropriated for the purposes of this article in the following order of priority:

(1) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to subdivision (a) in the prior year for whom the local educational agency did not receive funding due to insufficient availability of funds in the prior fiscal year.

(2) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to this article, subject to the limitations in subdivision (d).

~~(3) Five hundred dollars (\$500) for each qualifying teacher for each qualifying program as specified in Article 2 (commencing with Section 99220) who successfully completes mathematics or reading standards training, or both, at a California Professional Development Institute authorized pursuant to Article 2 (commencing with Section 99220) in the 2001–02 fiscal year to the 2004–05 fiscal year, inclusive, using funds received pursuant to Article 2 (commencing with Section 99220), and has had specific approved training on the mathematics or reading instructional materials selected for use in the school.~~

~~(4) Five hundred dollars (\$500) for each qualifying teacher in each qualifying program pursuant to Article 2 (commencing with Section 99220) who successfully completed mathematics or reading standards training, or both, at a California Professional Development Institute authorized pursuant to Article 2 (commencing with Section 99220) in the 1999-2000 or 2000-01 fiscal year, using funds received pursuant to Article 2 (commencing with Section 99220), and has had specific approved training on the mathematics or English-language arts instructional materials selected for use in the school.~~

~~(5) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to this article in excess of limitations in subdivision (d).~~

~~(f) For purposes of this article, qualifying teachers who, in the 2000-01 fiscal year, received training at a California Professional Development Institute authorized pursuant to Article 2 (commencing with Section 99220) that was paid for by a local educational agency using funds that were not received pursuant to Article 2 (commencing with Section 99220) shall be deemed to have received training in the 2001-02 fiscal year. A local educational agency shall receive funding for these qualifying teachers in accordance with paragraph (2) of subdivision (e).~~

~~(g) Except as provided in subdivision (f) of Section 99237, funding~~ Funding may not be provided to a local educational agency until the State Board of Education approves the agency's certified assurance submitted pursuant to Section 99237.

~~(h)~~

~~(g)~~ Of the funding a local educational agency is eligible to receive pursuant to this section for each eligible teacher, 50 percent shall be awarded following the provision of 40 hours of ~~professional development training based on instructional materials adopted by the State Board of Education or standards-aligned instructional materials~~, as specified in subdivision (b) of Section 99237, with the remaining funding to be awarded following certification of the provision of the 80 hours of followup instruction as specified in subdivision (b) of Section 99237. *The 80 hours of training may be completed over a two-year period.*

~~(i) Except as provided in paragraphs (3) and (4) of subdivision (e), a local~~

1 (h) A local educational agency may not receive funds pursuant
2 to this article for teachers who receive training pursuant to
3 Article 2 (commencing with Section 99220) using funding
4 provided pursuant to Article 2 (commencing with Section
5 99220).

6 SEC. 8. Section 99234.5 of the Education Code is amended to
7 read:

8 99234.5. Prioritization for participation in the program
9 established pursuant to this article shall be determined in the
10 following manner:

11 (a) Teachers who have not participated in a professional
12 development institute in reading~~or~~, mathematics, *or science* that
13 is authorized pursuant to Article 2 (commencing with Section
14 99220) shall be accorded first priority for training pursuant to
15 this article.

16 (b) Teachers who have participated in a professional
17 development institute in reading~~or~~, mathematics, *or science* that
18 is authorized pursuant to Article 2 (commencing with Section
19 99220), but who have not yet received supplemental training in
20 the areas specified in paragraph (2) of subdivision (a) of Section
21 99237, shall be accorded second priority for training pursuant to
22 this article.

23 SEC. 9. Section 99235 of the Education Code is amended to
24 read:

25 99235. (a) The Superintendent of Public Instruction shall
26 notify local educational agencies that they are eligible to receive
27 funding to provide instructional aides and paraprofessionals who
28 directly assist with classroom instruction in mathematics~~and~~,
29 reading, *or science* with professional development training in
30 mathematics~~and~~, reading, *or science*, in an amount equal to one
31 thousand dollars (\$1,000) per qualifying instructional aide.
32 Funding will be provided to local educational agencies on a
33 first-come-first-served basis. A local educational agency that
34 chooses to participate in the program is eligible to receive
35 funding for no greater than the percentage calculated in
36 accordance with provisions of an item of appropriation in the
37 annual Budget Act for its instructional aides and
38 paraprofessionals. ~~However, the statewide total number of~~
39 ~~instructional aides and paraprofessionals who directly assist with~~

~~classroom instruction in mathematics and reading served under this program may not exceed 9,600 over the two fiscal years.~~

(b) Of the incentive provided pursuant to subdivision (a), a local educational agency may use not more than five hundred dollars (\$500) of the per instructional aide and paraprofessional, who directly assist with classroom instruction in mathematics ~~and, reading, or science~~, amount to provide an individual instructional aid stipend.

SEC. 10. Section 99237 of the Education Code is amended to read:

99237. (a) ~~Except as provided in subdivision (f), as~~ As a condition of receipt of funds for purposes of Section 99234 or 99235, a local education agency shall submit a certified assurance signed by the appropriate agency official and approved in a public session by the governing body of the agency to the State Board of Education that contains its proposal to satisfy the following:

(1) It contracted with a provider whose training curriculum was approved by the State Board of Education or the local education agency's training curriculum was approved by the State Board of Education. Approval by the State Board of Education of the training curriculum shall be based on the criteria contained in paragraph (4) and in subdivision (b).

(2) It or the provider with whom it contracted provided professional development training focused primarily on the following:

(A) The use of instructional materials that will be used by pupils and are aligned to the English-language arts ~~and~~, mathematics, *or science* content standards adopted by the State Board of Education pursuant to Section 60605.

(B) The English-language arts ~~and~~, mathematics, *and science* content standards adopted by the State Board of Education pursuant to Section 60605.

(C) The curriculum frameworks adopted by the State Board of Education for ~~these subjects~~ *English-language arts, mathematics, and science*.

(D) *The training shall include strategies of differentiated instruction, with special emphasis on English language learners and pupils with disabilities.*

(3) (A) It provides each pupil with instructional materials that are aligned to the state content standards in ~~reading and English-language arts~~, mathematics, and science no later than the first day of the first school term that commences 12 months or less after those materials are adopted by the State Board of Education in the case of instructional materials for grades 1 to 8, inclusive, or by the governing board of the school district in the case of instructional materials for grades 9 to 12, inclusive.

(B) For local education agencies that are piloting or evaluating instructional materials that are aligned to the state content standards in English-language arts ~~or~~, mathematics, and science, those materials shall be provided to each pupil no later than the first day of the first school term that commences 24 months or less after those materials were adopted by the State Board of Education in the case of instructional materials for grades 1 to 8, inclusive, or by the governing board of the school district in the case of instructional materials for grades 9 to 12, inclusive.

(C) If a local education agency has not adopted instructional materials as required by subparagraph (A) for one or more grade levels because it is piloting or evaluating those instructional materials, the local education agency may only claim funding pursuant to Section 99234 for grade levels and subjects where the local education agency is in compliance with subparagraphs (A) and (B).

(D) For each teacher, in each core area for which funding is claimed pursuant to this article and for which there are not standards aligned textbooks for each pupil, as determined through an audit, the Superintendent of Public Instruction, on a one-time basis, shall withhold from the local education agency's next monthly principal apportionment payment an amount equal to one hundred dollars (\$100) for each of those pupils. The funds withheld are deemed to be an offset against the training funds provided pursuant to this article.

(4) It provides in-house professional development that focuses primarily on the following:

(A) The use of instructional materials that will be used by pupils and are aligned to the English-language arts ~~and~~, mathematics, and science content standards adopted by the State Board of Education pursuant to Section 60605.

1 (B) The English-language arts-and, mathematics, *and science*
2 content standards adopted by the State Board of Education
3 pursuant to Section 60605.

4 (C) The curriculum frameworks adopted by the State Board of
5 Education for these subjects.

6 *(D) The training shall include strategies of differentiated*
7 *instruction, with special emphasis on English language learners*
8 *and students with disabilities.*

9 (5) It provides the data elements required pursuant to Section
10 99240.

11 (b) As an additional condition of receipt of funds for purposes
12 of Section 99234, a local education agency shall certify ~~that:~~

13 ~~(1) Fortythat 40 hours of professional development training~~
14 ~~based on instructional materials adopted by the State Board of~~
15 ~~Education or standards-aligned instructional materials and 80~~
16 ~~hours of followup instruction, coaching, or additional schoolsite~~
17 ~~assistance, in mathematics-or, reading, or science, as appropriate,~~
18 ~~was provided to teachers who meet the criteria specified in~~
19 ~~paragraphs (1) and (2) of subdivision (a) of Section 99233.~~

20 ~~(2) Forty hours of professional development in reading and an~~
21 ~~average of 80 hours of followup instruction, coaching, or~~
22 ~~additional schoolsite assistance was provided to teachers who~~
23 ~~meet the criteria specified in paragraphs (3) and (4) of Section~~
24 ~~99233, and 40 hours of professional development in mathematics~~
25 ~~and an average of 80 hours of followup instruction, coaching, or~~
26 ~~additional schoolsite assistance was provided to teachers who~~
27 ~~meet the criteria specified in paragraphs (5) and (6) of Section~~
28 ~~99233.~~

29 (c) If, as the result of a program audit, it is found that the
30 participating local education agency served less participants than
31 it was funded to serve, the Superintendent of Public Instruction
32 shall withhold from the local education agency's next monthly
33 principal apportionment payment an amount proportional to the
34 amount of funding associated with the number of teachers that
35 were not served.

36 (d) If, as the result of a program audit, it is found that the
37 training provided by the local education agency or the provider
38 with whom it contracted did not meet the requirements of
39 paragraph (4) of subdivision (a), the Superintendent of Public
40 Instruction shall withhold from the local education agency's next

1 monthly principal apportionment payment an amount equal to the
2 amount of funding associated with the training that was not
3 aligned to state standards and curriculum frameworks.

4 (e) In addition to receiving funding pursuant to this article, a
5 school district, charter school, or county office of education may
6 also claim funding under the Instructional Time and Staff
7 Development Reform Program established pursuant to Article
8 7.5 (commencing with Section 44579) of Chapter 3 of Part 25 for
9 the *40 hours of training based on instructional materials adopted*
10 *by the State Board of Education or standards-aligned*
11 *instructional materials* or 80 hours of follow-up instruction,
12 coaching, or additional schoolsite assistance required pursuant to
13 subdivision (b) if the training meets the requirements of Section
14 44579.5.

15 ~~(f) A local education agency may contract with one or more of~~
16 ~~the California Professional Development Institutes authorized~~
17 ~~pursuant to Article 2 (commencing with Section 99220) if the~~
18 ~~training provided by the institute meets the criteria of paragraph~~
19 ~~(2) of subdivision (a) and subdivision (b), and has been approved~~
20 ~~by the University of California. These local educational agencies~~
21 ~~shall receive funds as specified in paragraph (2) or (3) of~~
22 ~~subdivision (c) of Section 99234, as appropriate.~~

23 (g) The State Board of Education shall establish a procedure
24 and criteria for local educational agencies to appeal to the board
25 the findings of an audit conducted pursuant to this article. The
26 board may reduce or eliminate the amount to be withheld
27 pursuant to subdivision (d) if the board determines that the local
28 educational agency was in substantial compliance with this
29 section.

30 ~~(h)~~

31 (g) It is the intent of the Legislature that audits referenced in
32 subdivisions (c) and (d) be conducted as part of a compliance
33 audit performed in accordance with Sections 14503, 14508, and
34 41020.

35 *SEC. 11. Section 99239 of the Education Code is amended to*
36 *read:*

37 99239. A local education agency or postsecondary institution
38 that offers an accredited program of professional preparation may
39 consider providing partial and proportional credit toward
40 satisfaction of the course requirements to an enrolled candidate

1 who satisfactorily completes a mathematics—~~or~~, reading, *or*
2 *science* professional development program, as described in this
3 article, if the program has been certified by the Commission on
4 Teacher Credentialing as meeting preparation standards.

5 *SEC. 12. Section 99240 of the Education Code is amended to*
6 *read:*

7 99240. (a) By July 1, ~~2003~~ 2008, the State Department of
8 Education, ~~in cooperation with the University of California and~~
9 ~~the California Professional Development Institutes authorized~~
10 ~~pursuant to Article 2 (commencing with Section 99220),~~ shall
11 develop, and the State Board of Education shall review and
12 approve, an interim report regarding the program established
13 pursuant to this article for submission to the Legislature. The
14 interim report shall, at a minimum, detail the following:

15 (1) The number of teachers, by credential type, who have
16 received training offered pursuant to this article.

17 (2) The number of instructional aides and paraprofessionals
18 who directly assist with classroom instruction in mathematics
19 ~~and~~, reading, *or science* who have received training offered
20 pursuant to this article.

21 (3) The entities that have received funds for the purpose of
22 offering training pursuant to this article and the number of
23 teachers and instructional aides and paraprofessionals who
24 directly assist with classroom instruction in mathematics
25 ~~and~~, reading, *or science*, respectively, that each has trained.

26 (b) By June 30, 2005, the State Department of Education shall
27 submit, subject to review and approval by the State Board of
28 Education, a final report to the Legislature regarding the program
29 established pursuant to this article. The final report shall, at a
30 minimum, detail the following:

31 (1) The number of teachers, by credential type, who received
32 training offered pursuant to this article.

33 (2) The number of instructional aides and paraprofessionals
34 who directly assist with classroom instruction in mathematics
35 ~~and~~, reading, *or science* who received training offered pursuant
36 to this article.

37 (3) The entities that received funds for the purpose of offering
38 training pursuant to this article and the number of teachers and
39 instructional aides and paraprofessionals who directly assist with

1 classroom instruction in mathematics~~and~~, reading, *or science*,
2 respectively, that each has trained.

3 (4) Information detailing the effectiveness of the program
4 established pursuant to this article. This information shall, at a
5 minimum, incorporate survey data concerning program
6 effectiveness that has been gathered from program participants
7 and school principals.

8 (5) To the extent information is available, information
9 detailing the retention rate, by credential type, of teachers who
10 participated in training offered pursuant to this article. The
11 information shall, at a minimum, incorporate sample data
12 concerning teachers who are no longer in the profession.

13 (6) To the extent information is available, information
14 detailing the retention rate of instructional aides and
15 paraprofessionals who directly assist with classroom instruction
16 in mathematics~~and~~, reading, *or science* who participated in
17 training offered pursuant to this article. The information shall, at
18 a minimum, incorporate sample data concerning aides who are
19 no longer in the profession, as well as aides who have obtained a
20 teacher credential subsequent to training.

21 *(c) By December 31, 2012, the State Department of Education*
22 *shall submit, subject to review and approval by the State Board*
23 *of Education, a second report to the Legislature regarding the*
24 *program established pursuant to this article. The final report*
25 *shall, at a minimum, detail all of the following:*

26 *(1) The number of teachers, by credential type, who received*
27 *training offered pursuant to this article.*

28 *(2) The number of instructional aides and paraprofessionals*
29 *who directly assist with classroom instruction in mathematics*
30 *and reading, and who received training offered pursuant to this*
31 *article.*

32 *(3) The entities that received funds for the purpose of offering*
33 *training pursuant to this article and the number of teachers and*
34 *instructional aides and paraprofessionals who directly assist*
35 *with classroom instruction in mathematics, reading, or science,*
36 *respectively, that each has trained.*

37 *(4) Information detailing the effectiveness of the program*
38 *established pursuant to this article. This information shall, at a*
39 *minimum, incorporate survey data concerning program*

1 effectiveness that has been gathered from program participants
2 and school principals.

3 (5) To the extent that information is available, information
4 detailing, by credential type, the retention rate of teachers who
5 participated in training offered pursuant to this article. The
6 information shall, at a minimum, incorporate sample data
7 concerning teachers who are no longer in the profession.

8 (6) To the extent that information is available, information
9 detailing the retention rate of instructional aides and
10 paraprofessionals who directly assist with classroom instruction
11 in mathematics, reading, or science who participated in training
12 offered pursuant to this article. The information shall, at a
13 minimum, incorporate sample data concerning aides who are no
14 longer in the profession, as well as aides who have obtained a
15 teacher credential subsequent to receiving training.

16 SEC. 13. Section 99241 of the Education Code is repealed.

17 99241. (a) ~~Notwithstanding any other provision of law, if a~~
18 ~~local education agency elects to offer professional development~~
19 ~~pursuant to this article using the California Professional~~
20 ~~Development Institutes authorized pursuant to Article 2~~
21 ~~(commencing with Section 99220), training may be provided to~~
22 ~~any teacher of kindergarten or any of grades 1 to 12, inclusive, if~~
23 ~~the University of California agrees to operate a combined~~
24 ~~schoolwide and districtwide program that meets the criteria~~
25 ~~specified in Section 99237.~~

26 (b) ~~Notwithstanding any other provision of law, local~~
27 ~~education agencies that contract with the California Professional~~
28 ~~Development Institute authorized pursuant to Article 2~~
29 ~~(commencing with Section 99220) may, pursuant to an~~
30 ~~agreement with the University of California, receive from the~~
31 ~~University of California funds appropriated pursuant to Article 2~~
32 ~~(commencing with Section 99220) for the provision of stipends~~
33 ~~to participating teachers.~~

34 (c) ~~Notwithstanding subdivision (c) of Section 99220,~~
35 ~~subdivision (d) of Section 99221, subdivision (d) of Section~~
36 ~~99222, subdivision (c) of Section 99223, subdivision (d) of~~
37 ~~Section 99224, and subdivision (d) of Section 99225, the~~
38 ~~Professional Development Institutes authorized pursuant to~~
39 ~~Article 2 (commencing with Section 99220) may offer training at~~
40 ~~sites that are not located on a college or university campus.~~

1 *SEC. 14. Section 99242 of the Education Code is amended to*
2 *read:*

3 99242. This article shall become inoperative on July 1, ~~2006~~
4 2012, and, as of January 1, ~~2007~~ 2013, is repealed, unless a later
5 enacted statute, that becomes operative on or before January 1,
6 ~~2007~~ 2013, deletes or extends the dates on which it becomes
7 inoperative and is repealed.

8 ~~48663. (a) The minimum schoolday in a community day~~
9 ~~school is 360 minutes of classroom instruction provided by a~~
10 ~~certificated employee of the district reporting the attendance of~~
11 ~~the pupils for apportionment funding, except that, for purposes of~~
12 ~~providing professional development, there may be one minimum~~
13 ~~schoolday of 240 minutes of classroom instruction for each 60~~
14 ~~days of instruction that the community day school operates~~
15 ~~during the school year.~~

16 ~~(b) A pupil enrolled in a community day school may not~~
17 ~~generate more than one day of community day school attendance~~
18 ~~credit in a schoolday for any purpose.~~

19 ~~(c) For the purposes of calculating the additional funding~~
20 ~~provided to a school district pursuant to Section 48664, only~~
21 ~~community day school attendance shall be reported in clock~~
22 ~~hours. Attendance of less than five clock hours in a schoolday~~
23 ~~shall be disregarded for purposes of Section 48664. Five clock~~
24 ~~hours of attendance in one schoolday shall be deemed to be~~
25 ~~one-half day of attendance, for purposes of additional funding~~
26 ~~pursuant to Section 48664. Six clock hours or more of attendance~~
27 ~~in one schoolday shall be deemed to be one day of attendance,~~
28 ~~for purposes of additional funding pursuant to Section 48664.~~

29 ~~(d) Independent study may not be utilized as a means of~~
30 ~~providing any part of the minimum instructional day provided~~
31 ~~pursuant to subdivision (a).~~

32 ~~(e) A community day school's academic programs shall be~~
33 ~~comparable to those available to pupils of a similar age in the~~
34 ~~school district.~~